

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: Chapter 11 Atlantic Sea Scallop Regulations and 2014-2015 Harvesting Season

CONCISE SUMMARY: This proposed rulemaking establishes the 2014-2015 scallop fishing season. This season is proposed with the understanding that the length of the season as presented likely far exceeds what the resource can sustain, and that the Department may need to use emergency rule-making authority during the season to prevent overfishing. The industry, through the Scallop Advisory Council, has requested that the Department provide the fishing opportunity up front, and make adjustments in season as necessary. The Department is willing to take this approach in part because this fishery is prosecuted in the winter months, and proposing a very limited season could create an incentive to fish in unsafe conditions. The Department will take action to continue to rebuild the scallop resource, as well as provide stability and predictability for the industry into the future. After the fishery experienced an all-time low in 2005 of 33,000 lbs. of landings, Maine fishermen and the DMR began to implement a series of forward thinking management measures aimed at rebuilding the depleted scallop resource while also providing some economic opportunity in a limited fishery.

The 2014-15 season follows the pattern of the 2013-14 season with a daily possession limit for Zone 1 & 2 of 15 gallons with a 70-day season, while Zone 3 would have a 10-gallon daily limit with a 50-day season. For Zone 1 & 2, a 70-day season is set for draggers to start on December 1, 2014 with fishing prohibited on Fridays, Saturdays and Sundays in December, January, February and April. December 26, 2013 and January 2, 2015 are open and December 24, 25 and 31, 2014 would be closed. Scallop fishing by Zone 1 & 2 draggers in the month of March would be prohibited on Thursdays, Fridays and Saturdays. The proposed last day of the Zone 1 & 2 drag season is April 9, 2015. For Zone 1 & 2, a 70-day season is set for divers to start on December 3, 2014 with fishing prohibited on Sundays, Mondays and Tuesdays in December, March and April. December 24, 25 and 31, 2014 would be closed. Scallop fishing by Zone 1 & 2 divers in the months of January and February would be prohibited on Sundays, Mondays and Tuesdays plus January 1, 2015 would be closed. The proposed last day of the Zone 1 & 2 dive season is April 15, 2015. For Zone 3, a 50-day season is set for draggers to start on December 1, with fishing prohibited on Thursdays, Fridays, Saturdays and Sundays. December 24, 25, and 31, 2014 and January 1, 12, 13, 14, 19, 20 and 21, 2015 would be closed and December 26, 2014 and January 2, 2015 would be open. For Zone 3, a 50-day season is set for divers to start on December 4, 2014 with fishing prohibited on Sundays, Mondays, Tuesdays and Wednesdays in December, March and April. December 23 and 30, 2014 would be open and December 24, 25 and 31, 2014 would be closed. Scallop fishing by Zone 3 divers in the months of January and February would be prohibited on Saturdays, Sundays, Mondays and Tuesdays plus January 1, 14, 15, 16, 21, 22 and 23, 2015 would be closed. The last day of the Zone 3 dive season is April 11, 2015.

In addition, the DMR is proposing to implement a number of targeted closures based on depletion and the presence of spat-producing scallops which include Eastern Casco Bay, Damariscotta River, Ocean Point, Muscle Ridge (open two days per week) and Lower Muscle Ridge as well as to protect municipal mooring fields in Blue Hill Harbor, Western Blue Hill Bay, Bartlett's Harbor, Seal Harbor, Northeast Harbor and Somes Harbor. Also, the DMR is proposing language to clarify daily possession limits. Finally, the trigger mechanism will be extended to the entire state scallop fishery, whereby if the DMR receives information indicating that a likelihood of 30-40% of the harvestable biomass has been removed, the Commissioner will close harvesting for the remainder of the season through emergency action.

THIS RULE WILL ___ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 12 M.R.S. §6171; §6728-C

PUBLIC HEARINGS:

September 2, 2014, 6:00 PM, Brunswick Town Hall Room 206, 85 Union Street, Brunswick, Maine

September 3, 2014, 6:00 PM, University of Maine-Machias, Clipper Lounge of Sennett Hall, Machias

September 4, 2014, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth

DEADLINE FOR COMMENTS: September 15, 2014

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON:

Mail written comments to;

AGENCY NAME:

ADDRESS:

WEB SITE:

E-MAIL:

TELEPHONE:

FAX:

TTY:

Hearing facilities:

Trisha De Graaf (207-624-6554)

attn: Kevin Rousseau

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**If you require accommodations due to disability, please
contact Meredith Mendelson, at (207) 624-6550.**

DEPARTMENT OF MARINE RESOURCES

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CHAPTER 11 - SCALLOPS

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11.09 Atlantic Sea Scallop Harvesting Season

1. ~~Zone 1 & 2 season for draggers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 and Zone 2 is open December 2, 2013 through March 20, 2014, both days inclusive, with the following exceptions:~~

~~A. In December 2013 and March 2014, fishing is prohibited on Fridays, Saturdays and Sundays, except for Friday, December 27 and Saturday, December 28, 2013 shall be open. Fishing is prohibited on Monday, December 23, Tuesday, December 24, Wednesday, December 25, Monday, December 30 and Tuesday, December 31, 2013.~~

~~B. In January 2014 and February 2014, fishing is prohibited on Saturdays and Sundays, except for Saturday, January 4, 2014 shall be open. Fishing is prohibited on Wednesday, January 1, 2014.~~

2. ~~Zone 1 & 2 season for divers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 and Zone 2 is open December 4, 2013 through March 21, 2014, both days inclusive, with the following exceptions:~~

~~A. In December 2013 and March 2014, fishing is prohibited on Sundays, Mondays and Tuesdays. Fishing is prohibited on Wednesday, December 25, 2013.~~

~~B. In January 2014 and February 2014, fishing is prohibited on Saturdays and Sundays, except for Saturday, January 4, 2014 shall be open.~~

3. ~~Zone 3 season for draggers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December 2, 2013 through March 18, 2014, both days inclusive, with the following exceptions:~~

~~A. In December 2013 fishing is prohibited on Fridays, Saturdays and Sundays, except for Friday, December 27 and Saturday, December 28, 2013 shall be open. Fishing is prohibited on Monday, December 23, Tuesday, December 24, Wednesday, December 25, Monday, December 30 and Tuesday, December 31, 2013.~~

~~B. In January 2014 and February 2014, fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays, except for Thursday, January 2, Friday, January 3 and Saturday, January 4, 2014 shall be open. Fishing is prohibited on Wednesday, January 1, 2014.~~

~~C. In March 2014, fishing is prohibited on Thursday, Fridays, Saturdays and Sundays.~~

4. ~~Zone 3 season for divers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 4, 2013 through March 20, 2014, both days inclusive, with the following exceptions:~~

~~A. In December 2013, fishing is prohibited on Sundays, Mondays and Tuesdays. Fishing is prohibited on Wednesday, December 25, 2013.~~

~~B. In January 2014 and February 2014, fishing is prohibited on Saturdays, Sundays, Mondays, and Tuesdays, except for Saturday, January 4, 2014 shall be open. Fishing is prohibited on Wednesday, January 1, 2014.~~

~~C. In March 2014, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays.~~

1. Zone 1 & 2 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 and Zone 2 is open December 1, 2014 through April 9, 2015, both days inclusive, with the following exceptions:

A. In December 2014, January 2015, February 2015 and April 2015, fishing is prohibited on Fridays, Saturdays and Sundays, except for Friday, December 26 and Friday, January 2, 2015 which shall be open. Fishing is prohibited on Wednesday, December 24, Thursday, December 25, Wednesday, December 31, 2014 and Thursday, January 1, 2015.

B. In March 2015 fishing is prohibited on Thursdays, Fridays, and Saturdays.

2. Zone 1 & 2 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 and Zone 2 is open December 3, 2014 through April 15, 2015, both days inclusive, with the following exceptions:

A. In December 2014, March 2015 and April 2015, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Monday, December 22, Tuesday, December 23, Monday December 29, Tuesday, December 30, 2014 and Tuesday, April 14, 2015 which shall be open. Fishing is prohibited on Wednesday, December 24, Thursday, December 25, and Wednesday, December 31, 2014.

B. In January 2015 and February 2015, fishing is prohibited on Sundays, Mondays and Tuesdays. Fishing is prohibited on Thursday, January 1, 2015.

3. Zone 3 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December 1, 2014 through April 7, 2015, both days inclusive, with the following exceptions:

A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays, except for Friday, December 26 and Friday, January 2, 2015 which shall be open. Fishing is also prohibited on Wednesday, December 24 and Wednesday, December 31, 2014, Monday, January 12, Tuesday, January 13, Wednesday, January 14, Monday, January 19, Tuesday, January 20 and Wednesday, January 21, 2015.

4. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 4, 2014 through April 11, 2015, both days inclusive, with the following exceptions:

A. In December 2014, March 2015 and April 2015, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, December 23 and Tuesday, December 30, 2014 which shall be open. Fishing is prohibited on Thursday, December 25, 2014.

B. In January 2015 and February 2015, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays. Fishing is prohibited on Thursday, January 1, Wednesday, January 14, Thursday, January 15, Friday, January 16, Wednesday, January 21, Thursday, January 22 and Friday, January 23, 2015.

11.10 Atlantic Sea Scallops Limitations

1. Size, Harvesting and Conservation Zone Regulations

A. Swans Island Lobster Conservation Area Scallop Drag Size Restrictions

It shall be unlawful to possess on any vessel fishing for scallops or fish for or take scallops within the Swans Island Lobster Conservation Area (DMR Regulation, Ch. 25.90, (A) (1)) with any scallop drag or combination of scallop drags (chain sweep or rock drags) having an aggregate width in excess of eight feet, six inches.

B. Atlantic Sea Scallops, Minimum Size

In Maine Territorial Waters, it shall be unlawful to possess Atlantic sea scallops whose shells are less than 4 inches in the longest diameter, effective on December 1, 2004 and thereafter in accordance with 12 M.R.S. § 6721(1)(A) & (B).

C. Atlantic Sea Scallops, Drag Size Restrictions

- (1) From December 1 through April 15, both days inclusive, it shall be unlawful to possess on any vessel fishing for scallops or fish for or take scallops with any one combination of scallop drags having an aggregate in excess of 10 feet 6 inches in width (by measuring from the extreme outside edge of the mouth of the drag or drags), within Maine's territorial waters.

D. Atlantic Sea Scallops, Night Harvesting Prohibition

Effective November 1, 1986, it shall be unlawful to fish for or take scallops during the nighttime hours between sunset (as defined in 12 M.R.S. § 6001(46)) and sunrise (as defined in 12 M.R.S. § 6001(45)) within Maine's territorial waters.

E. Atlantic Sea Scallops, Culling Required

Scallops less than the minimum legal size must be immediately liberated. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops smaller than the minimum size while a scallop license holder or crewmember is shucking scallops.

F. Atlantic Sea Scallops, Shellstock Ratio to Meat Conversion, Possession Limit, Daily Limit

- (1) Shellstock Ratio to Meat Conversion.
For the purposes of this regulation, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.
- (2) Daily Harvest and Possession Limits.
It is unlawful to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day per vessel.
- (3) Daily Limit.
 - (a) It is unlawful to unload any portion of a day's catch and return to fishing in Maine's territorial waters.
 - (b) It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats

G. Atlantic Sea Scallops Harvested Seaward of Maine's Territorial Waters

A vessel may possess or land more than 15 gallons of scallop meats per day within Maine's territorial waters only if it meets each of the following requirements:

- (1) The scallop meats were harvested seaward of Maine's territorial waters.
- (2) The vessel holds a valid current Federal Permit (Title 50(A) §648.4) that authorizes possession of more than 15 gallons of scallop meats per day.
- (3) The amount of scallop meats on board does not exceed the maximum amount authorized by the vessel's Federal Permit.
- (4) The vessel has all fishing gear (dredges, drags) securely stowed when transiting Maine's territorial waters. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

H. Limited Access Areas

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by divers on ~~January 8, 15, 22, and 29, 2014; February 5, 12, 19, and 26, 2014; and March 5, 12, and 19, 2014.~~ January 2, 9, 16, 23, 30, 2015; February 6, 13, 20 and 27, 2015; March 7, 14, 21 and 28, 2015; and April 4 and 11, 2015 except for Whiting and Dennys Bays Area (4) where fishing shall be additionally open on December 6, 13, 20 and 27, 2014 and prohibited on January 16 and 23, 2015. All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on ~~January 6, 13, 20, and 27, 2014; February 3, 10, 17, and 24, 2014; and March 3, 10, and 17, 2014.~~ January 7, 14, 21, 28, 2015; February 4, 11, 18 and 25, 2015; March 4, 11, 18 and 25, 2015; and April 1 and 8, 2015 except for Whiting and Dennys Bays Area (4) where fishing shall be additionally open on December 3, 10, and 17, 2014 and prohibited on January 14 and 21, 2015. All directions are relative to True north (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these Limited Access Areas, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

The Commissioner may close harvesting for the remainder of the season in the Limited Access Areas listed below though emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed.

(1) Casco Bay Area:

Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpswell) to the northern tip of Jewell Island. Also, the waters between and to the north of Basin Point and Gun Point bounded by the Route 24 Gurnet Bridge (Harpswell).

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges, then continuing to the southeastern tip of Jewell island.

(2) Damariscotta/Sheepscot Area:

South of a line drawn from the most northeastern point of Dogfish Head to the most northeastern point of Macmahan Island, and south of a line drawn from the most northwestern point of Macmahan Island to the most northeastern tip of Soldier Point and south and east of the Southport Island Bridge. Then north of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport and then to the most southern tip of Fishermen Island. Then, north of a line from the most northern tip of Fishermen Island to the most southwestern point of Thrumcap Island, and west of a line drawn from this point to the most southern tip of Shipley Point, following the western shoreline of Rutherford Island. Also, west of the South Bristol Bridge, and to include the Damariscotta River.

(3) Muscongus/Western Penobscot Area:

Western boundary: North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the west shore of Mosquito Island, St. George.

Eastern boundary: South and west of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island and continuing in a southwest direction to the most eastern tip of Mosquito Island, St. George.

~~(4) Southeast Harbor Area (Deer Isle)~~

~~North and West of a line starting at the most southwestern tip of Stinson Neck, Deer Island running to Coles Point on Whitmore Neck, Deer Island; this includes all of Southeast Harbor.~~

~~This section Chapter 11.10(1)(H)(4) sunsets May 1, 2014.~~

~~(5) Mt. Desert Area:~~

~~Western boundary: All of Somes Sound and east of a line starting at Bass Harbor Head then in a southeast direction to the most easterly point of Great Gott Island.~~

~~Eastern boundary: West of a line starting at the most eastern side of Otter Point, Bar Harbor, to G C "1" East of Baker Island, then continuing in a westerly direction to the most easterly point of Great Gott Island.~~

~~This section Chapter 11.10(1)(H)(5) sunsets May 1, 2014.~~

~~(6) Gouldsboro Bay Area:~~

~~Inside and north of a line starting a Young's Point, Corea east to the end of Dyer Point, Steuben.~~

~~This section Chapter 11.10(1)(H)(6) sunsets May 1, 2014.~~

~~(7) Jonesport/Machias Area:~~

~~(a) The Reach: East and North of a line starting at the most eastern end of Tibbett Island going due north to the closest point of land on Moose Neck and then east to the most northern end of Ram Island at Latitude 44° 29' 41.56" N Longitude 67° 37' 53.31" W then on to the most western end of Slate Island and then from the eastern most tip of Slate Island to the nearest point of land along the southern shore of Slate Island Cove on Great Wass Island and West of a line starting at the western end of the breakwater in Sawyer's Cove the southeast to the most western end of Pig Island and then due South to the closest point of land of Great Wass Island.~~

~~(b) Machias Area: North and East of a line starting at Bucks Head, Machiasport proceeding East to the southern end of Northwest Head, Cross Island, then following the shore to the most eastern point of Cross Island to the most western point of Scotch Island, then following the shore to the most eastern point of Scotch Island to the most western point of Old Man Island, then following the shore to the most eastern point of Old Man Island to the most southern tip of Great Head, Cutler.~~

~~This section Chapter 11.10(1)(H)(7) sunsets May 1, 2014.~~

~~(4) Whiting Bay and Denny's Bays Area (open December 2014 only as per section 11.10(H) above):~~

~~It shall be unlawful to fish for or take scallops and or urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting Bay and Denny's Bays.~~

11.19 Cobscook Bay Limits and Restrictions.

1. Cobscook Bay.

A. Shellstock ratio to meat count.

For the purposes of 12 M.R.S. §6728, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.

B. Daily Harvest and Possession limits.

Except as allowed pursuant to Chapter 11.19(2), ~~no vessel or person may take, possess or transfer more than ten gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of ten gallons of meat. it is unlawful to fish for, take or~~

possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day per vessel.

C. Daily limit.

Any vessel which has taken scallops within the restricted area of Cobscook Bay, as defined by 12 M.R.S. §6728(1), may not land scallops and return to fishing for scallops within that restricted area on the same day. It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats.

D. Harvester Meat Count

Except as allowed pursuant to Chapter 11.19(2), no vessel or person may take, possess or transfer shucked scallops which measure more than 35 meats per 16 oz. certified measure from or within the Cobscook Bay Restricted Area, as defined by 12 M.R.S. §6728 (1). The meat count shall be measured by selecting small scallop meats from the harvester's catch.

E. Limited Access Areas: See Chapter 11.10(1)(H)(10)

2. Non-Cobscook Bay scallops, landing and possession restrictions.

A. Possession.

Vessels transiting or landing scallops within the restricted area of Cobscook Bay, as defined by 12 M.R.S. §6728(1), and which have been fishing exclusively outside of the restricted area may possess more than ~~ten~~ 10 gallons of scallop meat or scallops which measure more than 35 meats per 16 oz. certified measure.

B. Landing scallops harvested outside the restricted area, in Cobscook Bay.

Vessels which are transiting or landing in the restricted area and which are in possession of more than ten gallons of scallop meat or scallops measuring more than 35 meats per 16 oz. certified measure, which have been harvested outside the restricted area, may not possess any shellstock and must have all fishing gear (dredges, drags) securely stowed when transiting the restricted area.

11.22 Targeted Closures

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for Mussel Ridge (6) which shall be open ~~during the months of January, February and March, 2014~~ to diving on Wednesdays and Thursdays and shall be open to dragging on Mondays and Tuesdays, in accordance with the dates specified in section 11.09. All directions are relative to True North (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these targeted closures only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

~~(1) Chandler Bay~~

~~North of a line starting at the most southeastern tip of Sandy River Beach to the most southern tip of Bar Island, continuing to the most southern tip of Ballast Island; then continuing to the most southern tip of Bonney Point, Roque Island; then continuing along the shore to the most northeastern point of Great Head, Roque Island; then northeast to the most southern end of Shoppee Point, Roque Bluffs and to include all the upper portions of Chandler Bay and Englishman Bay as well as Great Cove.~~

~~This section Chapter 11.22 (1) sunsets May 1, 2014.~~

~~(2) East Moosabec Reach~~

Eastern boundary: West of a line starting at the western end of the breakwater in Sawyer's Cove, Jonesport, to the most western end of Pig Island and then due south to the closest point of land on Great Wass Island.

Western boundary: East of the Jonesport-Beals Island bridge.

~~This section Chapter 11.22 (2) sunsets May 1, 2014.~~

~~(3) Dyer Bay~~

~~North and West of a line drawn from Bear Cove on Petite Manan Point, Stueben at Latitude 44° 24'25.65" N Longitude 67° 54'24.98" W to the most southern tip of Dyer Point, Stueben and to include all of Dyer Bay.~~

~~This section Chapter 11.22 (3) sunsets May 1, 2014.~~

~~(4) Greening Island~~

~~Northern boundary: South of a line from the most southern tip of Connor Point, Southwest Harbor, to the most southern tip of Manchester Point, Northeast Harbor.~~

~~Southern boundary: North and West of a line drawn from the southern most tip of Sargent Point, Northeast Harbor, southwesterly to the most northern tip of Kings Point, Southwest Harbor.~~

~~This section Chapter 11.22 (4) sunsets May 1, 2014.~~

~~(5) Blue Hill Bay Area (Blue Hill Salt Pond/Blue Hill Harbor/Morgan's Bay Area)~~

~~All waters of the Blue Hill Salt Pond; as well as waters North of a line drawn from Stills Point, Blue Hill Neck to the most northern point of Long Island, and then continuing to the most southwestern point of Newbury Neck.~~

~~This section Chapter 11.22 (5) sunsets May 1, 2014.~~

~~(6) Union River/Bartlett's Narrows/Western Bay~~

~~East and North of a line drawn from the most southwestern point of Burnt Point, Newbury Neck, to the most northwestern point of Western Point, Bartlett Island; then following the shore to the most southeastern point of Eastern Point, Bartlett Island to the nearest point of land along the northern shore of Sawyer Cove. Seal Cove (Mount Desert Island) and to include all of Bartlett Narrows, Pretty Marsh Harbor, Western Bay and Union River.~~

~~This section Chapter 11.22 (6) sunsets May 1, 2014.~~

~~(7) Inner Harbor/Deep Hole~~

~~West of a line drawn from the most western point of Whitmore Neck, Deer Isle due True North to the South shore of Mountainville, Deer Isle at Latitude 44° 12.407 N Longitude 068° 38.819 W.~~

~~This section Chapter 11.22 (7) sunsets May 1, 2014.~~

~~(1) Muscle Ridge (closed December 2013 only) (Open Mondays and Tuesdays to divers. Open Wednesdays and Thursdays to draggers.)~~

~~Eastern boundary: West and South of a line drawn from the most eastern tip of Ash Point, South Thomaston at Latitude 44° 02.805 N Longitude 069° 04.393 W to RW "PA" Mo (A) GONG; then continuing southwest to the northern tip of Two Bush Island.~~

~~Western boundary: North of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island.~~

~~This section Chapter 11.22 (8) sunsets May 1, 2014.~~

~~This section Chapter 11.22 (1) sunsets May 1, 2015.~~

- (2) Lower Muscle Ridge
Northern boundary: East and South of a line beginning at the most eastern tip of Whitehead Island, St. George, to the southern tip of Seal Island (Hay Ledges) continuing to the most southwestern point of Graffam Island, then continuing to the southwestern point of Pleasant Island and continuing in a southeasterly direction to the northeastern tip of Two Bush Island.

Southern boundary: North of a line starting at the most southern point of Whitehead Island, St. George, to the southern end of Two Bush Island.

This section Chapter 11.22 ~~(9)~~ (2) sunsets May 1, 2017.

- (3) Damariscotta River
~~North of a line drawn from the most southern tip of Jones Point to the most northeastern tip of Montgomery Point, East Boothbay, to include all the Damariscotta River.~~

North of a line drawn from Emerson Point at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol.

~~This section Chapter 11.22 (8) sunsets May 1, 2014.~~

This section Chapter 11.22 (3) sunsets May 1, 2015.

- (4) Ocean Point
West of a line drawn from Emerson Point, at the southern most tip of Ocean Point, Boothbay at Latitude 43° 48.852 N Longitude 069° 35.454 W, to the most northern tip of Fisherman Island, then continuing to R N "8" AND East of a line draw from R N "8" to the most southwestern tip of Ocean Point at Latitude 43° 48.874 N Longitude 069° 36.332 W.

~~This section Chapter 11.22 (8) sunsets May 1, 2014.~~

This section Chapter 11.22 (4) sunsets May 1, 2017.

- (5) Eastern Casco Bay
Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges.

Western boundary: East and North of a line draw from R N "4" at Drunkers Ledges to the most southern tip of Jaquish Island; then east of a line from the most northwestern tip of Jaquish Island at Latitude 43° 42.950N Longitude 70° 00.137W to the most southeastern tip of land along Jaquish Gut at Latitude 43° 43.043N Longitude 70° 00.128W.

~~This section Chapter 11.22 (8) sunsets May 1, 2014.~~

This section Chapter 11.22 (5) sunsets May 1, 2015.

11.23 Municipal Mooring Field Closures

It shall be unlawful to fish for, take, or possess scallops taken by dragging within any of the following closed areas. All directions are relative to True North (not magnetic).

Transiting exception:

A vessel may not transit within the following closed areas with any part of a drag, including the cable, in the water.

- (1) Inner Blue Hill Harbor
West of a line drawn from the most western point of Sculpin Point, Blue Hill to the closest point of land on Parker Point, Blue Hill Neck.

- (2) Bartlett Landing

East of a line starting at the town pier 44 20.576 N 068 25.042 W, running south to the northern tip of west point 44 20.274 N 068 25.264 W.

(3) Seal Harbor

North of a line starting at the southern end of Crownshield Pt 44 17.286 N 068 14.620 W running in an easterly direction to 44 17.416 N 068 14.180 W.

(4) Northeast Harbor

North of a line starting at a private pier on the western side of the Harbor 44 17.244 N 068 16.787 W running in a north easterly direction to the southern tip of land on the eastside of the harbor 44 17.432 N 068 16.583 W.

(5) Somes Sound Harbor

North of a line starting at the northern tip of Mason Point 44 21.491 N 068 19.626 W then running in a southeasterly direction to the southern tip of Squantum Point 44 21.425 N 068 19.311 W.

(6) Western Blue Hill Bay (Blue Hill)

Inside and westerly of a line beginning at the easternmost point of High Head, Blue Hill, then running northeast to the most eastern tip of Sand Point, Blue Hill.

11.24 Trigger Mechanism

The Commissioner may close harvesting for the remainder of the season though emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed.

2014 - 2015 Scallop Season Calendar

Zone One (1) & Two (2) 70 Day DRAG Season (15 gallons)

O

Zone 1 Limited Access Areas Draggers

O

Open

Closed

December 2014						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24	25	26 O	27
28	29 O	30 O	31			

17

Janaury 2015						
S	M	Tu	W	Th	F	S
				1	2 O	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O	29 O	30	31

17

February 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6	7
8	9 O	10 O	11 O	12 O	13	14
15	16 O	17 O	18 O	19 O	20	21
22	23 O	24 O	25 O	26 O	27	28

16

March 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

14

April 2015						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6 O	7 O	8 O	9 O	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

6

*** Limited Access Areas
for Zone 1 only.**

Total Days

70

Total Limited Access Areas Days

14

Total Weeks

20

2014 - 2015 Scallop Season Calendar

Zone One (1) & Two (2)

70 Day DIVE Season (15 gallons)

O

Zone 1 Limited Access Areas Divers

O

Open

Closed

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	O
7	8	9	10	11	12	13
			O	O	O	O
14	15	16	17	18	19	20
			O	O	O	O
21	22	23	24	25	26	27
	O	O			O	O
28	29	30	31			
	O	O				

18

Janaury 2015						
S	M	Tu	W	Th	F	S
				1	2	3
					O	O
4	5	6	7	8	9	10
				O	O	O
11	12	13	14	15	16	17
				O	O	O
18	19	20	21	22	23	24
				O	O	O
25	26	27	28	29	30	31
				O	O	O

14

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
				O	O	O
8	9	10	11	12	13	14
				O	O	O
15	16	17	18	19	20	21
				O	O	O
22	23	24	25	26	27	28
				O	O	O

12

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
			O	O	O	O
8	9	10	11	12	13	14
			O	O	O	O
15	16	17	18	19	20	21
			O	O	O	O
22	23	24	25	26	27	28
			O	O	O	O
29	30	31				

16

April 2015						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O	O	O
5	6	7	8	9	10	11
			O	O	O	O
12	13	14	15	16	17	18
		O	O			
19	20	21	22	23	24	25
26	27	28	29	30		

10

*** Limited Access Areas
for Zone 1 only.**

Total Days

70

Total Limited Access Areas Days

15

Total Weeks

20

2013 - 2014 Scallop Season Calendar

Zone One (1) & Two (2)

70 Day DRAG Season (15 gallons)

O

Limited Access Areas Draggers

O

Open



Closed

December 2013						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6	7
8	9 O	10 O	11 O	12 O	13	14
15	16 O	17 O	18 O	19 O	20	21
22	23	24	25	26 O	27 O	28 O
29	30	31				

15

January 2014						
S	M	Tu	W	Th	F	S
			1	2 O	3 O	4 O
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O	29 O	30 O	31 O	

23

February 2014						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6 O	7 O	8
9	10 O	11 O	12 O	13 O	14 O	15
16	17 O	18 O	19 O	20 O	21 O	22
23	24 O	25 O	26 O	27 O	28 O	

20

March 2014						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6 O	7	8
9	10 O	11 O	12 O	13 O	14	15
16	17 O	18 O	19 O	20 O	21	22
23	24	25	26	27	28	29
30	31					

12

Total Days

70

Total Limited Access Areas Days

11

Total Weeks

16

2013 - 2014 Scallop Season Calendar

Zone One (1) & Two (2)

70 Day DIVE Season (15 gallons)

O Limited Access Areas Divers

O Open

Closed

December 2013						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5 O	6 O	7 O
8	9	10	11 O	12 O	13 O	14 O
15	16	17	18 O	19 O	20 O	21 O
22	23	24	25 O	26 O	27 O	28 O
29	30	31				

15

January 2014						
S	M	Tu	W	Th	F	S
			1	2 O	3 O	4 O
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O	29 O	30 O	31 O	

23

February 2014						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6 O	7 O	8
9	10 O	11 O	12 O	13 O	14 O	15
16	17 O	18 O	19 O	20 O	21 O	22
23	24 O	25 O	26 O	27 O	28 O	

20

March 2014						
S	M	Tu	W	Th	F	S
						1 O
2	3	4	5 O	6 O	7 O	8 O
9	10	11	12 O	13 O	14 O	15 O
16	17	18	19 O	20 O	21 O	22
23	24	25	26	27	28	29
30	31					

12

Total Days
70

Total Limited Access Areas Days
11

Total Weeks
16

2014 - 2015 Scallop Season Calendar

Zone Three (3) (Cobscook)

50 Day DRAG Season (10 gallons)

O

Limited Access Areas Draggers

O

Open

Closed

December 2014						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24	25	26 O	27
28	29 O	30 O	31			

14

Janaury 2015						
S	M	Tu	W	Th	F	S
				1	2 O	3
4	5 O	6 O	7 O	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26 O	27 O	28 O	29	30	31

7

February 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28

12

March 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

14

April 2015						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

3

Total Days

50

Total Limited Access Areas Days

14

Total Weeks

17

2014 - 2015 Scallop Season Calendar

Zone Three (3) (Cobscook)

50 Day DIVE Season (10 gallons)

O Limited Access Areas Divers

O Open

Closed

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
				O	O	O
7	8	9	10	11	12	13
				O	O	O
14	15	16	17	18	19	20
				O	O	O
21	22	23	24	25	26	27
		O			O	O
28	29	30	31			
		O				

13

Janaury 2015						
S	M	Tu	W	Th	F	S
				1	2	3
					O	
4	5	6	7	8	9	10
			O	O	O	
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
			O	O	O	

7

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
			O	O	O	
8	9	10	11	12	13	14
			O	O	O	
15	16	17	18	19	20	21
			O	O	O	
22	23	24	25	26	27	28
			O	O	O	

12

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
				O	O	O
8	9	10	11	12	13	14
				O	O	O
15	16	17	18	19	20	21
				O	O	O
22	23	24	25	26	27	28
				O	O	O
29	30	31				

12

April 2015						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	O
5	6	7	8	9	10	11
				O	O	O
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

6

Total Days

50

Total Limited Access Areas Days

17

Total Weeks

17

2013 - 2014 Scallop Season Calendar

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O

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Closed

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22	23	24	25	26 O	27 O	28 O
29	30	31				

15

January 2014						
S	M	Tu	W	Th	F	S
			1	2 O	3 O	4 O
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27 O	28 O	29 O	30	31	

15

February 2014						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6	7	8
9	10 O	11 O	12 O	13	14	15
16	17 O	18 O	19 O	20	21	22
23	24 O	25 O	26 O	27	28	

12

March 2014						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6	7	8
9	10 O	11 O	12 O	13	14	15
16	17 O	18 O	19	20	21	22
23	24	25	26	27	28	29
30	31					

8

Total Days

50

Total Limited Access Areas Days

11

Total Weeks

16

2013 - 2014 Scallop Season Calendar

Zone Three (3) (Cobscook)

50 Day DIVE Season (10 gallons)

O

Limited Access Areas Divers

O

Open

Closed

December 2013						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5 O	6 O	7 O
8	9	10	11 O	12 O	13 O	14 O
15	16	17	18 O	19 O	20 O	21 O
22	23	24	25 O	26 O	27 O	28 O
29	30	31				

15

January 2014						
S	M	Tu	W	Th	F	S
			1	2 O	3 O	4 O
5	6	7	8 O	9 O	10 O	11
12	13	14	15 O	16 O	17 O	18
19	20	21	22 O	23 O	24 O	25
26	27	28	29 O	30 O	31 O	

15

February 2014						
S	M	Tu	W	Th	F	S
						1
2	3	4	5 O	6 O	7 O	8
9	10	11	12 O	13 O	14 O	15
16	17	18	19 O	20 O	21 O	22
23	24	25	26 O	27 O	28 O	

12

March 2014						
S	M	Tu	W	Th	F	S
						1
2	3	4	5 O	6 O	7 O	8
9	10	11	12 O	13 O	14 O	15
16	17	18	19 O	20 O	21	22
23	24	25	26	27	28	29
30	31					

8

Total Days

50

Total Limited Access Areas Days

11

Total Weeks

16

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Kevin J. Rousseau, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; E-mail: dmr.rulemaking@maine.gov, web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11 Atlantic Sea Scallop Regulations and 2014-2015 Harvesting Season

STATUTORY AUTHORITY: 12 M.R.S. §6171; §6728-C

DATE AND PLACE OF PUBLIC HEARINGS:

September 2, 2014, 6:00 PM, Brunswick Town Hall Room 206, 85 Union Street, Brunswick, Maine
September 3, 2014, 6:00 PM, University of Maine-Machias, Clipper Lounge of Sennett Hall, Machias
September 4, 2014, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth

DEADLINE FOR COMMENTS: September 15, 2014

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

This rulemaking is necessary to establish the 2014-2015 scallop season. After the fishery experienced an all-time low in 2005 of 33,000 lbs. of landings, Maine fishermen and the DMR began to implement a series of forward thinking management measures aimed at rebuilding the depleted scallop resource while also providing some economic opportunity in a limited fishery. Prior to 2005, state waters were managed through a 132 day season, minimum 4 inch shell, and a 10'6" drag size limit, with additional area-specific restrictions in several bays. In 2008, mandatory harvester and dealer reporting was implemented and a 200 pound maximum daily limit was established. In 2009, a moratorium was placed on issuing new licenses and entry to the commercial fishery became limited, the season was reduced to 70 days, the minimum ring size that lined the drags was increased to 4 inches and 13 large conservation closures encompassing 20% of Maine's coastal waters were put in place for three years to allow the resource to rebuild.

After dozens of meetings with industry over the following three years, the original conservation closures were re-opened on a limited basis in 2012 as Limited Access Areas that have been managed using a soft Total Allowable Catch (TAC) which sets a target harvest of 30-40% of the estimated harvestable biomass. In addition, recognizing the scallop resource and fishery vary coast wide, flexibility was provided for different regions to use various measures to achieve the common goal of rebuilding the resource by establishing three different scallop management Zones. There is no opt-in requirement for Zones, which retains the mobile aspect of the fleet. Finally, that same year a 10-year Rotational Management Plan was implemented in the Downeast portion of coastal Maine in Zone 2 along with in-season Targeted Closures to protect areas containing high amounts of sublegal scallops or depleted areas requiring rebuilding. The three layers of spatial closures (Limited Access Areas, Rotational Areas and Targeted Closure Areas) are the core of Maine's scallop spatial management program, which represents a paradigm shift from the way that the fishery had been governed in the past.

The DMR seeks to continue towards the goal of rebuilding the Maine scallop resource while balancing the three-fold increase in harvester participation of 131 active licenses in 2008 to 421 active licenses in 2013. In addition, industry members have expressed concern over the instability that is created by in-season emergency actions such as targeted closures. This, in combination with the limited amount of scientific information available to DMR to effectively evaluate the current resource status, led to the DMR recommendation of a 48 day season in Zones 1 & 2 and 32 day season in Zone 3 to the Scallop Advisory Council (SAC) at their June 30 season-setting meeting. After much deliberation, the SAC was not willing to further restrict effort and rejected the DMR's reduction and proposed a 70-day season in Zone 1 & 2 and a 50-day season in Zone 3 instead. The majority of the scallop industry prefers that the DMR Commissioner provide excessive harvest opportunity from the commencement of the season while undertaking emergency actions in-season to curtail harvest as needed. Therefore, this current proposed rulemaking reflects the desires of both the industry and the SAC to provide excessive fishing opportunities at the onset of the season with the Commissioner able to restrict harvest through emergency rulemaking authority during the season.

The SAC recommendation includes a 70-day season in both Zone 1 & 2 with separate calendars for divers and draggers as well as one day per week in the Zone 1 Limited Access Areas starting in January. For Zone 3, a 50-day season is proposed with separate calendars for divers and draggers and one day per week in the Whiting & Dennys Bays Limited Access Area starting at the beginning of December. While the resource may not be able to accommodate the full 70-day season, the SAC and the majority of the industry prefer to have the opportunity of fishing as many of the 70 days as possible given the many foul weather days in January and February that prevent industry members from safely accessing the resource. DMR will use emergency rulemaking authority to shorten or close the 2013-14 season in order to protect the scallop resource if unusual damage and/or imminent depletion become evident.

In addition, the DMR is proposing to implement a number of targeted closures based on depletion and the presence of spat-producing scallops which include Eastern Casco Bay, Damariscotta River, Ocean Point, Muscle Ridge (open two days per week) and Lower Muscle Ridge as well as to protect municipal mooring fields in Blue Hill Harbor, Western Blue Hill Bay, Bartlett's Harbor, Seal Harbor, Northeast Harbor and Somes Harbor. Also, the DMR is proposing language to clarify daily possession limits. Finally, the trigger mechanism will be extended to the entire state scallop fishery, whereby if the DMR receives information indicating that a likelihood of 30-40% of the harvestable biomass has been removed, the Commissioner will close harvesting for the remainder of the season through emergency action.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The 2014-15 season follows the pattern of the 2013-14 season with a daily possession limit for Zone 1 & 2 of 15 gallons with a 70-day season, while Zone 3 would have a 10-gallon daily limit with a 50-day season. For Zone 1 & 2, a 70-day season is set for draggers to start on December 1, 2014 with fishing prohibited on Fridays, Saturdays and Sundays in December, January, February and April. December 26, 2013 and January 2, 2015 are open and December 24, 25 and 31, 2014 would be closed. Scallop fishing by Zone 1 & 2 draggers in the month of March would be prohibited on Thursdays, Fridays and Saturdays. The proposed last day of the Zone 1 & 2 drag season is April 9, 2015. For Zone 1 & 2, a 70-day season is set for divers to start on December 3, 2014 with fishing prohibited on Sundays, Mondays and Tuesdays in December, March and April. December 24, 25 and 31, 2014 would be closed. Scallop fishing by Zone 1 & 2 divers in the months of January and February would be prohibited on Sundays, Mondays and Tuesdays plus January 1, 2015 would be closed. The proposed last day of the Zone 1 & 2 dive season is April 15, 2015. For Zone 3, a 50-day season is set for draggers to start on December 1, with fishing prohibited on Thursdays, Fridays, Saturdays and Sundays. December 24, 25, and 31, 2014 and January 1, 12, 13, 14, 19, 20 and 21, 2015 would be closed and December 26, 2014 and January 2, 2015 would be open. For Zone 3, a 50-day season is set for divers to start on December 4, 2014 with fishing prohibited on Sundays, Mondays, Tuesdays and Wednesdays in December, March and April. December 23 and 30, 2014 would be open and December 24, 25 and 31, 2014 would be closed. Scallop fishing by Zone 3 divers in the months of January and February would be prohibited on Saturdays, Sundays, Mondays and Tuesdays plus January 1, 14, 15, 16, 21, 22 and 23, 2015 would be closed. The last day of the Zone 3 dive season is April 11, 2015.

FISCAL IMPACT OF THE RULE:

Enforcement of these proposed amendments would not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

Rulemaking statement of impact on small business
5 MRS §8052, sub-§5-A and §8053, sub-§3, ¶F, and
Executive Order 20 FY 11/12, August 24, 2011 (replaces EO's 09, 13 & 14)

Agency: Department of Marine Resources

Chapter Number and Title of Rule: Chapter 11 Atlantic Sea Scallop Regulations and 2014-2015
Harvesting Season

1. An identification of the types and an estimate of the number of the small businesses subject to the proposed rule; and EO20 1.A. The impact of the proposed rule on job growth or creation:

A total of 547 individuals are eligible to apply for a 2014 Maine commercial scallop harvesting license. It is anticipated that the majority of these individuals will obtain the license for the 2014-15 season. In 2013, 93 non-commercial scallop licenses were issued. The 2014 number will likely be similar.

2. The projected reporting, record-keeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record; and EO20 1.C. The cost to the public in terms of time and money required to comply with the rule and EO20 1.B. The burden imposed by any fees included in the rule:

The projected reporting, record-keeping and other administrative costs required for compliance with the rule are envisioned to be minimal and can be absorbed with current staffing levels within DMR.

3. A brief statement of the probable impact on affected small businesses; and EO20 1.D. The extent to which other laws and regulations already address the subject matter of the rule:

The rule does represent a significant change from the 2013-2014 regulations. It is anticipated that these changes should not significantly further impact small businesses. There are no other laws or regulations that address the scallop season or management measures.

4. A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed rule; and EO20 1.E. The relevant Federal standards, if any and the specific need for Maine's rules to differ from them if such a need exists:

These measures have been selected as the most viable options at the present time based on recommendations by DMR staff, the Scallop Advisory Council, with industry input gathered at six public meetings this past spring. There are no less costly reasonable alternatives. These rules pertain to the scallop resources within Maine's territorial waters which are more restrictive than current Federal rules and regulations. The scallop season and closed areas are based on the current inshore scallop stock status whose recovery could continue to be jeopardized as well as the fishing community's economic viability without the more restrictive regulations in Maine's inshore waters.

5. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained:

Information is available upon request from the DMR Commissioner's Office, State House Station #21, Augusta, Maine 04333-0021, telephone (207) 624-6553.